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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Z-Tel)
Communications, Inc. for a Certificate of)
Service Authority to Provide Basic Local) **Case No. TA-98-572**
Telecommunications Service in Portions of)
the State of Missouri and to Classify Said)
Services and the Company as Competitive.)

ORDER GRANTING INTERVENTION AND DIRECTING FILING
OF PROCEDURAL SCHEDULE

Z-Tel Communications, Inc. (Applicant) filed an application on June 19, 1998, for a certificate of service authority to provide basic local telecommunications service in the State of Missouri under 4 CSR 240-2.060(4). Applicant wishes to provide resold services in all the exchanges currently served by Southwestern Bell Telephone Company (SWBT), GTE Midwest Incorporated (GTE), and Sprint Missouri, Inc. d/b/a Sprint (Sprint). The Commission issued a notice and schedule of applicants directing interested parties to file applications to intervene no later than July 30. Southwestern Bell Telephone Company (SWBT) and Z-Tel, Inc. filed timely applications to intervene.

SWBT states that it has an interest in the Commission's decision in this case because it provides basic local exchange services and will be in direct competition with this company if the certificate is granted. SWBT argues that no other party will adequately protect its interests in this matter and that its intervention would be in the public interest because of SWBT's expertise and experience in the telecommunications industry.

Z-Tel, Inc. states that it is providing telecommunications services in the state of Missouri has an interest which is different from that of the general public because of the similarity between its name and the name of Applicant. Z-Tel, Inc. states that the public may be confused and that Z-Tel, Inc.'s business may be harmed by Applicant's use of such a similar name to provide telecommunications services in Missouri.

The Commission has reviewed the applications and finds that they are in substantial compliance with Commission rules regarding intervention and that the applicants each have an interest in this matter which is different from that of the general public. The Commission concludes that both these requests for intervention should be granted and that the parties should file a proposed procedural schedule. The procedural schedule must include either dates for the filing of testimony and for a hearing, or a date for the filing of a Stipulation and Agreement. If no party requests a hearing, the Commission may grant the service authority and competitive classification requested without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

THEREFORE, IT IS ORDERED:

1. That Southwestern Bell Telephone Company and Z-Tel, Inc. are granted intervention in this case in accordance with 4 CSR 240-2.075(4).

2. That the parties shall file a proposed procedural schedule no later than September 3, 1998. The procedural schedule shall include either dates for the filing of testimony and for a hearing, or a date for the filing of a Stipulation and Agreement.

3. That this order shall be effective on August 4, 1998.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Nancy Dippell, Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1)
(November 30, 1995) and
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 4th day of August, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION